

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING  
COMMISSION,

*Plaintiff,*

v.

GEMINI TRUST COMPANY, LLC,

*Defendant.*

No. 22-cv-4563 (AKH)

Hon. Alvin K. Hellerstein

**NOTICE OF MOTION TO  
COMPEL**

PLEASE TAKE NOTICE THAT Defendant Gemini Trust Company, LLC (“Gemini”), pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, the Local Rules for the Southern District of New York, and the Individual Rules of this Court, and upon the accompanying memorandum of law and declaration of John F. Baughman and exhibits thereto, hereby moves this Court, before the Honorable Alvin K. Hellerstein, United States District Court Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an order (i) compelling witnesses Gregory Kuserk and Christopher Goodman to answer questions that counsel for plaintiff Commodity Futures Trading Commission (“CFTC”) instructed them not to answer on the basis of the deliberative process privilege; and (ii) compelling any and all future CFTC witnesses to answer questions of the same nature that are posed during their depositions; or, in the alternative (iii) precluding CFTC from offering evidence as to any matter on which it has asserted the deliberative process privilege as a bar to discovery.

Dated: New York, New York  
September 12, 2023

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